United Nations A/C.3/55/SR.44

General Assembly
Fifty-fifth session

Official Records

Distr.: General
28 March 2001
English
Original: Spanish

Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Thursday, 2 November 2000, at 3 p.m.

Chairman: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-72445 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 112: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/55/L.25/Rev.1

1. **Mr. Ogurtus** (Belarus), introducing the draft resolution entitled "Measures to be taken against any neo-Nazi activities and any ideologies and practices based on racial or ethnic discrimination or superiority", said that appropriate, decisive measures must be taken in order to combat the increasing manifestations of racism based on racial or ethnic discrimination or superiority. That was confirmed by the events described in the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/55/304), as well as by the incidents occurring daily throughout the world. It was particularly important to discuss the problem during the current session, since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be held in 2001. The support shown by numerous delegations from various regions of the world during the discussions on the draft resolution which had resulted in the revised version of the text gave reason to hope that the draft resolution would be adopted without a vote.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, A/55/213 and Add.1, A/55/214 and Add.1, A/55/275 and Add.1, A/55/279, A/55/280 and Add.1 and 2, A/55/283, A/55/288, A/55/289, A/55/291, A/55/292, A/55/296 and Add.1, A/55/302, A/55/306, A/55/328, A/55/342, A/55/360, A/55/395-S/2000/880, A/55/404-S/2000/889, A/55/408 and A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/55/282* and Corr.1, A/55/294, A/55/318, A/55/335, A/55/346, A/55/358, A/55/359, A/55/363, A/55/374, A/55/400, A/55/403, A/55/509 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

2. **Mr. Karev** (Russian Federation) said that the process of globalization was strengthening the interrelationships between States and peoples, and that human rights must be a factor uniting the community of nations. The defence of human rights must cease to be used as a pretext for the attainment of political objectives, and the doctrine of "restricted sovereignty" must cease to apply. Otherwise, situations would arise like that which currently prevailed in Kosovo. As could be gathered from the reports of the Special Rapporteur of the Commission on Human Rights, ethnic cleansing continued in that region, where more than 200,000 Serbs and members of other minorities had lost their lives. It was unacceptable that the Serbian population and other minorities should be left out of the democratic process in the Kosovo elections. The provisions of Security Council resolution 1244 (1999) must be fully and unconditionally fulfilled, with a view to establishing a multiethnic, democratic society, initiating political negotiations as soon as possible, and concluding an agreement on the status of Kosovo within the Federal Republic of Yugoslavia, principles established in the joint declaration formulated by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia following the talks they held in Moscow on 27 October 2000. Yugoslavia was living through an historic phase. The process of democratic transformation gave reason to hope that the country would achieve stability. The new leaders needed international support in such spheres as economic reconstruction, reintegration into international organizations and the European cooperation system. In that context, the territorial sovereignty and integrity of the country was a fundamental precondition for the long-term stabilization of the region.

3. The situation in the Middle East was increasingly dramatic. As a co-sponsor of the peace process, the Russian Federation consistently urged all parties to take concrete measures to halt the violence. The Israeli forces must withdraw immediately from the conflict zones, guarantees must be given that force would not

be used against the Palestinians, the blockade of the Palestinian territories must be lifted, the Palestinian police must restore public order, and both parties must respect the holy sites and ensure their security. Furthermore, consultations must be held with the participation of the co-sponsors and the interested parties with a view to identifying an appropriate mechanism for subsequent negotiations. Such a mechanism should allow for the renewal of the peace process in the Palestinian, Syrian and Lebanese sectors on the basis of existing Security Council decisions, in particular resolutions 242 (1967) and 338 (1973). The Russian Federation would maintain its contacts in the Middle East with a view to normalizing the situation there and to achieving a comprehensive settlement, without which the human rights situation in that region could not be resolved.

4. Turning to the situation of the Afghan people, he noted that the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan (A/55/346) described large-scale summary executions, violations of women's rights and restrictions on United Nations activities in that country. The only possible conclusion was to agree with the Special Rapporteur that those responsible must be brought to justice before international criminal courts. Afghanistan had become the world centre for terrorism and illegal drug trafficking, and the springboard for cross-border instability. The international community must recognize the seriousness of the dangers emanating from Afghanistan and adopt decisive collective measures to deal with them.

5. The Russian Federation had responded with dignity to the campaign launched against it by the forces of terrorism and international extremism in the Chechen Republic. The military phase of the anti-terrorist operation had concluded and the political process aimed at achieving a settlement had begun. Work was continuing to identify human rights violations and try those responsible. Mr. Kalamanov, the Special Representative of the President of Russia, was responsible for protecting civil rights and freedoms and his office was working actively to that end; his team included experts from the Council of Europe. The Commission of the Duma responsible for normalizing the social, political and economic situation and ensuring respect for human rights in the Chechen Republic was helping to coordinate efforts by the population and the State to promote respect for human rights in that Republic. The national non-governmental commission in charge of investigating violations of the law and human rights in the Chechen Republic maintained contacts with State judicial and public safety authorities and was cooperating with civil society. In addition, delegates from the International Committee of the Red Cross (ICRC) had full access to all persons detained by the Russian authorities as a result of security-related operations in the Chechen Republic. It had also been decided to invite representatives of the United Nations human rights mechanisms to visit the Russian Federation, including the North Caucasus region. Given that unprecedented openness and willingness to enter into a constructive dialogue, politically-motivated speculation was disappointing. The Russian Federation supported cooperation but rejected interference in its internal affairs; it was ready to accept recommendations from abroad but not to the detriment of national security and unity; it could accept an objective analysis of the situation but not justification of terrorism, slavery and hostage-taking. As the President of the Russian Federation had already pointed out, the Chechen problem could only be settled through a political process, but there would never be negotiations with terrorists and criminals.

6. In March 2000, Russia's multi-ethnic population chose a new president in a free and democratic election. Its priorities now were to strengthen public institutions, improve federal relations, develop the judicial system and the public administration, improve the functioning of the multi-party system and strengthen the role of civil society. In the context of that process of democratic renewal, one could not remain indifferent to the tragic humanitarian situation of Russians in Latvia and Estonia. The authorities of those countries continued to ignore recommendations by international experts that they bring their domestic legislation into line with internationally accepted standards. They had interpreted the indifference of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and other international organizations as tacit approval for intensifying discrimination against the Russian population and distorting the outcome of the Second World War. Latvia's representatives to the United Nations were wont to evoke their country's human rights experience and refer to a period when an occupying totalitarian regime had considerably modified the ethnic

composition of Latvia's population. Perhaps they were referring to the actions of the Latvian legion of the SS during which 90 per cent of Latvia's Jewish community had been exterminated or to the more than 100,000 deported persons from across Europe who had died in the Salaspils concentration camp. Former members of the SS now paraded down the streets of Riga and were honoured with military decorations as defenders of the homeland. In the face of such actions, the proposal from the Republic of Belarus on measures which should be adopted against neo-Nazi activities and ideologies and practices based on discrimination or racial or ethnic superiority, hate and terror, must be supported without reservations.

7. **Ms. Barghouti** (Observer for Palestine) said that the promotion and protection of the Palestinian people's human rights and fundamental freedoms were necessary prerequisites for the development, well-being and prosperity of future generations. The Palestinian people continued to strive to achieve their inalienable rights, including the right to independence, freedom and justice, in the face of constant violations of those rights. The seriousness of the situation in the occupied Palestinian territory, including Jerusalem, compelled her to raise that issue with the Committee and to highlight some matters of great concern. The situation had deteriorated to the extent that it threatened peace and stability in the area as well as the Middle East as a whole. The Palestinian people continued to be subjected to the most gross, systematic and widespread violations of their human rights by Israel, which persisted in oppressing the Palestinian people and creating illegal de facto situations on the ground in an attempt to break the Palestinian people's will and determination to realize their natural and inalienable rights, including the establishment of an independent State with Jerusalem as its capital.

8. Since 28 September 2000, Israel, the occupying Power, had used excessive and indiscriminate force, including tanks, helicopter gunships, missiles and rockets against Palestinian civilians, killing 160 and injuring 3,500. It had also closed international crossing-points, restricting the free movement of persons and goods, and denied the right to freedom of worship of Palestinians wishing to attend prayers in Jerusalem. In response to that tragic situation, the Commission on Human Rights had convened its fifth special session from 17 to 19 October 2000, at Geneva; at that session it had adopted an important resolution condemning the provocative visit by the Likud party leader, which had triggered the tragic events, as well as the disproportionate and indiscriminate use of force by Israel, in violation of international humanitarian law. There was an urgent need for the international community to provide the necessary protection for Palestinian civilians in the occupied Palestinian territories, including Jerusalem. Implementation of the resolution would help alleviate the suffering of the Palestinian people. In that context, she expressed appreciation for the High Commissioner for Human Rights' rapid response in convening the special session, thanked the delegations which had expressed their support and welcomed the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the occupied Palestinian territories on his visit to the occupied Palestinian territories, undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993. She regretted that the Israeli authorities, despite the urging of the High Commissioner, had refused to meet and cooperate with the Special Rapporteur. She reaffirmed that Israel had a legal and moral duty to meet its international obligations and must stop the use of excessive and unjustified force against demonstrators and the Palestinian civilian population and immediately withdraw its security forces from the Palestinian Authority area in order to reduce the tension and instability which it had created. That would be a first step in addressing the deteriorating human rights situation of the Palestinian people.

9. **Mr. Tekle** (Eritrea) said that the current human rights situation was much worse than in the two previous years. Ethiopia was continuing to commit horrendous human rights violations not only against Eritreans or Ethiopians of Eritrean origin in Ethiopia but also against Ethiopians in Eritrea and Eritrean territories occupied after Ethiopia's third aggression in two years. The atrocities being committed in the occupied areas in particular were meticulously planned and increasingly systematic, barbaric, intense and callous. During their evil occupation, the invading forces had failed to meet the minimum standards of civilized behaviour. Even after signing the Cessation of Hostilities Agreement, the Ethiopian hordes had wilfully, wantonly and methodically launched indiscriminate attacks against civilian targets, taken prisoners, tortured, raped and murdered, attacked and destroyed villages, public facilities, cultural and religious infrastructures and institutions and engaged in

ethnic cleansing, causing large numbers of persons to become displaced. They had also forcibly conscripted children under the age of 15 and planted landmines in occupied territory. Such breaches of international humanitarian law, crimes against humanity, war crimes and crimes against peace had been witnessed and verified not only by members of international civil society but also by several executive heads and senior officials of the United Nations system.

10. Despite the vast array of instruments for the protection and promotion of human rights that now existed, human beings had repeatedly committed acts of cruelty against fellow human beings; that was a major source of concern and shame. A number of Member States of the United Nations were openly flouting the major human rights and humanitarian conventions and protocols which they had signed, thus promoting a culture of impunity; one such country was Ethiopia. Although some countries had protested initially, the lack of an effective response from the international community had allowed Ethiopia to commit gross human rights violations with impunity. In the name of "quiet diplomacy", many Governments and international organizations had refrained from openly condemning Ethiopia's atrocities or, in the case of some intergovernmental or non-governmental organizations, ostensibly because of "statutory constraints", although they had spoken out in other situations.

11. The international community must not only observe the provisions of human rights instruments but also ensure that they were observed by other countries, particularly the signatories to those instruments; all human rights violations must be condemned irrespective of where, or by whom they were committed; political issues, alliances and other considerations unrelated to human rights, in particular the greed associated with arms sales, must not influence decisions taken with regard to human rights violations. The international community had more than enough proof of the gross human rights violations committed by Ethiopia; it had consistently noted Eritrea's refusal to respond in kind in the face of Ethiopia's continued excesses. Yet, with few exceptions, the international community had preferred to remain silent. He therefore called yet again on the Committee to investigate and determine the nature and extent of human rights violations in both countries. Although the Committee had been unable to act the previous year because Ethiopia had not consented, it must act in the current year given that the Ethiopian Parliament had already written to many bodies of the United Nations system requesting just such an investigation, albeit of Eritrea only. He hoped that the Government of Ethiopia would also allow inquiries in that country.

12. **Mr. Zackheos** (Cyprus) said that he aligned himself with the statement made by the representative of France on behalf of the European Union and that he welcomed the greater emphasis placed on issues of human rights at, inter alia, the Millennium Assembly; he believed that selectivity and political expediency were obstacles to the full enjoyment of human rights and to the implementation of human rights instruments. In its involvement in the search for solutions to conflicts, the United Nations should always be guided by the need to safeguard human rights and fundamental freedoms. Solutions based on ephemeral considerations or realpolitik, which often worked against the interests of small States, would not secure a durable peace. Furthermore, if the international community did not effectively address the issue of impunity, violations of human rights on a large scale would continue for the foreseeable future. Cyprus steadfastly supported the earliest possible establishment of an International Criminal Court. In that respect, it welcomed the progress made by the Preparatory Committee and the consensus reached on the Rules of Procedure and Evidence and the Elements of Crimes.

13. The continuing violations of human rights in Cyprus, stemming from the Turkish invasion and subsequent occupation of 37 per cent of its territory, had been the subject of many resolutions adopted by the United Nations, the Commission on Human Rights, the Council of Europe, the Movement of Non-Aligned Countries, the Commonwealth and other international and regional bodies. Human rights was one of the core issues of the fifth round of proximity talks that had begun the previous day in Geneva. Mr. Glafcos Clerides, President of Cyprus, had expressed his determination to work in good will to achieve a just and viable solution to the Cyprus problem, a solution that would safeguard the human rights of all Cypriots without discrimination. Cyprus would pursue a solution based on Security Council resolutions and on the 1977 and 1979 high-level agreements between the two sides, but would reject any attempt to segregate the people of Cyprus along ethnic lines, as the Turkish side was

demanding with its proposal for a confederation of two States and recognition of the so-called "realities". Those "realities" were nothing more than the consequences of illegal acts which had gone unpunished and of the unacceptable partition imposed through the use of force and sustained by military strength in violation of every norm of international law; they presupposed the constant denial of the individual and collective rights of 200,000 refugees (more than a third of the Greek Cypriot population of Cyprus), who had been forcibly expelled from their homes since the Turkish invasion. For 26 years, despite the continuous commitment of the United Nations and the international community to securing a just and viable solution to the Cyprus problem, successive Turkish governments had thwarted all efforts, thereby proving that impunity could be used to promote partitionist designs. It was pertinent to mention that the European Commission of Human Rights of the Council of Europe had found Turkey guilty of gross violations of human rights in Cyprus and of continuing violation of a number of articles of the European Convention on Human Rights in respect of the homes and property of Greek Cypriots living in the area occupied by Turkey. In response, Turkey had proposed a collective exchange of properties between the Turkish and Greek Cypriots, as if the rights and properties of individuals could be disposed of wholesale.

14. Despite numerous resolutions of the General Assembly and the Security Council on the right of displaced persons to return under conditions of safety, which had been adopted unanimously with the consent of Turkey itself, Turkey continued to violate that right. What was worse, it had been flooding the occupied territory with tens of thousands of Turkish settlers in a systematic effort to alter the traditional demographic composition of the occupied areas, compelling even the Turkish Cypriot community to leave the occupied area of Cyprus. With regard to the as-yet-unresolved tragedy of the missing persons in Cyprus, which had continued for the past 26 years, the Government of Cyprus had succeeded in identifying the remains of 17 missing persons through the DNA process. His Government appealed to all who were in a position to assist with efforts to resolve that problem, especially Turkey, to do everything needed so that the Committee on Missing Persons in Cyprus could resume its work and the families of the missing could finally learn their fate.

15. The serious violations of the human rights of the Greek and Maronite Cypriots living in the Turkish-occupied area were also a source of great concern. The Secretary-General and the European Commission of Human Rights had taken note of the severe restrictions to which those communities were subjected and of their adverse living conditions. Turkey had also proposed to change millennia-old names in the occupied area; to destroy its cultural heritage, particularly churches and monasteries; and to eradicate every vestige of civilizations other than that of the Turks.

16. **Ms. Daes** (Greece) said that she associated herself with the statement made by the representative of France on behalf of the European Union. However, she wished to stress the persistence of grave human rights violations in Cyprus. Since the Turkish invasion of Cyprus in 1974, the demographic composition of the occupied part of the island had been altered by the implantation of tens of thousands of Turkish settlers. The Turkish authorities had implemented a policy of ethnic cleansing against the enclaved population, drastically reducing the Greek Cypriot and Maronite populations and severely restricting their rights and freedoms in the areas of religion, education, information, movement, health services, and their right to settle and acquire property. The question of the nearly 1,500 Greek Cypriots and Greeks who were missing as a result of the Turkish invasion constituted a grave violation of human rights and humanitarian law. The United Nations had attempted to resolve the dilemma through the Tripartite Committee on Missing Persons in Cyprus, but the latter's activities had been interrupted by the death of one of its members. She urged the Secretary-General to designate a successor as soon as possible.

17. For the past quarter of a century, the Committee had been confronted by the same issue of human rights violations in Cyprus. It was obvious that that situation not only constituted a violation of the human rights of the island's inhabitants, but also challenged the credibility of the United Nations. Greece considered that, by becoming members of the European family, all Cypriots would enjoy safety, equality under the law, protection of their human rights and appropriate representation and security at the regional level. It was imperative that the message should get through to the Turkish Cypriot community now that the fifth round of proximity talks was under way in Geneva with a view to overcoming the Cypriot problem.

18. **Ms. Boyko** (Ukraine) praised the initiative to offer Heads of State and Government, at the Millennium Summit, the opportunity to sign various international treaties and conventions of which the Secretary-General was depositary. The success of that initiative had been demonstrated by the 273 signatures, accessions or ratifications amassed over those three days. In particular, the President of Ukraine had recently signed two optional protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Ukraine had thus become a party to 11 of 13 instruments making up the international human rights treaty system. Early in the year, Ukraine had ratified Protocol No. 6 to the European Convention on Human Rights concerning the abolition of capital punishment and amended its relevant national code accordingly. Ukraine hoped that, in the near future, it would be among the States parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

19. Ukraine believed that human rights activities were at the heart of conflict prevention measures. It was therefore particularly important to strengthen and improve the international monitoring of human rights violations. The use of force, however, could not be considered an adequate means of ensuring respect for human rights. Aware that the protection of minority rights was one of the most important factors in preserving peace and stability and avoiding a large number of bloody conflicts, the President of Ukraine had recently established in Kyiv, under the auspices of the Organization for Security and Cooperation in Europe (OSCE), a regional Ethnic Research Centre responsible for the monitoring of developments in inter-ethnic relations in the OSCE member States and timely detection of signs of brewing conflicts, thereby contributing to the implementation of the United Nations preventive strategy.

20. Taking into account that protection and promotion of the enjoyment of human rights depended primarily on the efforts made at the national and local levels, her delegation stressed the need for a more structured relationship between the Office of the High Commissioner for Human Rights and organizations with regional mandates, knowledge and expertise. Existing cooperation among the Office of the High Commissioner, the Council of Europe and OSCE in various areas was very productive. Her delegation invited the Office of the High Commissioner to participate in the activities of the Ethnic Research Centre under the aegis of the OSCE High Commissioner on National Minorities, an arrangement which could prove fruitful and play a leading role in the prevention of inter-ethnic tensions. Her delegation fully supported the work of non-governmental organizations, which were essential actors in the promotion and protection of human rights. It welcomed the appointment of Ms. Nina Jilani to the post of first Special Representative for Human Rights Defenders and wished her every success in her important work. Her delegation also believed that priority attention should be devoted to human rights education, which was the core of a human rights culture.

21. **Mr. Rezvani** (Islamic Republic of Iran) said that, if existing conditions and circumstances in the Islamic Republic of Iran were observed, there would be no doubt that it should not be included in the list of countries whose human rights situation warranted international scrutiny. In view of the democratic reform programmes initiated by President Khatami, the international community should adopt an attitude of promotion, encouragement and cooperation towards the country's human rights situation. The traditional General Assembly resolution on the question no longer had any legitimacy, as evidenced by the results of the voting by which it had been adopted at the fifty-fourth session of the Assembly.

22. The day before, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran had informed the Committee that the newly elected Majlis continued to take bold reform-oriented legislative initiatives. A law raising the minimum age of marriage had been adopted; a draft law which would guarantee access to a lawyer by the accused at all stages of a criminal investigation was under consideration; a draft law which would remove the prohibition on unmarried girls travelling abroad for educational purposes was being considered; and there were various draft laws which would, respectively, reduce women's working day, allow their recruitment into the Government's forces of law and order and recognize women's right to divorce in cases involving a spouse's insolvency. Although the reform of the judiciary had not yet been initiated, there had been several positive developments in the area of juvenile justice, such as the decisions to establish separate juvenile courts and to prohibit the

sentencing of persons under 18 years of age to the death penalty. The Special Representative had concluded that the Islamic Republic of Iran continued to make progress, but it was a slow progress which still faced formidable obstacles. Those observations were indisputable evidence of the genuineness of reforms and developments in the Islamic Republic of Iran.

23. There had been some outstanding developments and achievements in the current political process in the Islamic Republic of Iran, including the intensification of national capacity-building efforts in human rights education and the exercise and monitoring of human rights; the establishment and strengthening of national human rights mechanisms; the launching of a number of judicial reform programmes; further participation by the Office of the United Nations High Commissioner for Human Rights in the field of technical cooperation; significant expansion of the role of non-governmental organizations in various spheres of Iranian society; and the establishment of bilateral intergovernmental dialogue and cooperation in the field of human rights. The current political reform in the Islamic Republic of Iran was irreversible; it was rooted in the will of the people and was backed by the consensus of the establishment. His Government was determined to promote greater freedom. Under those circumstances, any initiative in the field of human rights should be aimed at consolidating the ongoing reform in the Islamic Republic of Iran. The resolution on human rights in the Islamic Republic of Iran, however, did exactly the opposite. A constructive approach would be to establish close cooperation between the sponsors of the resolution and his Government in order to ensure that the Committee put an end to that unhealthy and unproductive trend.

24. **Mr. Rodríguez Parrilla** (Cuba) said that the Committee's deliberations should focus, on the one hand, on the protection and promotion of all human rights and fundamental freedoms, avoiding any attempt to manipulate them in order to accommodate them to the interests of certain Powers, and, on the other, on the defence of State sovereignty against attempts to impose on countries of the South a foreign model that would eliminate cultural, historical and religious diversity. Although the information was not often revealed, there were irrefutable, copious data on flagrant, systematic violations of the human rights of minorities, immigrants and vulnerable or low-income persons in the United States of America. Five million Americans were without housing. Thirty-six million, or 14 per cent of the population, were living below the poverty line; that rate rose to 29 per cent in the case of the black population. Twenty-two per cent of all children and 40 per cent of black children were poor. Forty-two million Americans were without health insurance, while another 30 million had virtually no medical coverage. There were 30 million illiterates and 30 million functional illiterates. Women earned 73 per cent of what men earned for comparable work and accounted for 70 per cent of part-time workers. Immigrant men earned 32 per cent less than American men and immigrant women earned 22 per cent less than American women. There was not one millionaire or member of the upper middle class among the 3,600 people on death row in the United States. Over 60 per cent of women prisoners were African American or Hispanic. A veritable industrial complex based on forced labour had grown up in the prisons, and the whites responsible for brutal crimes such as the murder of African immigrant Amadou Diallo went unpunished.

25. In referring to 48 countries, the representative of the European Union had neglected to mention that nearly all of them had been European colonies and that many current problems and conflicts had their origins in that history of conquest, pillaging of resources and imposition of absurd borders. It was odd that Europe had forgotten the Holocaust and viewed with equanimity the proliferation of fascist and neo-Nazi parties. Neither had there been any mention of the growing xenophobia, violence against immigrants, policies of unjust or selective deportation, trade in body parts, child prostitution, paedophilia and promotion of sex tourism on that continent. In Europe, ethnic minorities were isolated and the rights of the Roma and other ethnic groups were systematically violated.

26. In Australia, where, a few decades previously, the Government had abducted over 100,000 aboriginal children in order to place them with white families, discrimination against and segregation of indigenous people continued and their economic, social and cultural rights, particularly the right to own land, were restricted. Recently, the Government of Australia had failed to cooperate with human rights mechanisms.

27. Canada continued to deny indigenous peoples, whom it had almost exterminated, their rights. They had the lowest incomes and the worst employment, education and health indicators and suffered

discrimination and marginalization. Recently, the Canadian Government had established restrictive, discriminatory immigration policies and had violated the rights of immigrants through, inter alia, enforced deportation.

28. The model which others were attempting to impose on the countries of the South was being seriously called into question even by the citizens of the developed world, over half of whom believed that they had no real participation in decision-making processes, that the existing political model was elitist and exclusive and that politicians lacked credibility. The best example was the United States itself, the country of soft money and self-serving financial contributions — in other words, the legalized corruption of politicians — and where over half of the population did not register to vote and a third of those registered did not vote. Its President could be elected with the vote of 26 per cent of individuals of voting age.

29. There could be no progress without the exercise of the right to development or if those who were currently treating the South with arrogance, racism and scorn did not meet their commitments, which were not dependent upon their generosity but were a consequence of their historical responsibility as former colonial Powers. In that context, there was no basis for the figures on the alleged United States humanitarian assistance to Cuba to which the representative of the United States had alluded in his statement. In 1999, assistance from American non-governmental organizations, private and religious foundations and citizens had been not $1 billion, but rather $4,157,497; the total for recent years was $33 million. Moreover, those donations were made despite the many obstacles erected by official agencies. The representative of the United States could not give a single example of authorization for the sale of medicine to Cuba; his own Government, for its part, could point to a dozen rejected applications. Recent decisions on medicine and food by the United States Congress showed no change whatever, and the statement made to the Committee by the representative of the United States contradicted President Clinton's statement that the congressional decision further restricted the options available to the Cuban people. For the first time, the prohibition on travel to Cuba by American citizens had been enacted into law. Another new measure authorized the United States to use Cuban funds deposited in frozen American accounts to compensate litigants against Cuba, which constituted direct promotion of terrorism. Thus, the American embargo was equivalent to commission of the crime of genocide against the Cuban people according to the Geneva Conventions of 1949 and the Additional Protocols of 1977. Nevertheless, his Government reiterated its willingness to continue to engage in respectful dialogue and cooperation on the subject of human rights on the basis of State sovereignty, the rules of international law and the purposes and principles of the Charter of the United Nations.

30. **Mr. Sfeir-Younis** (World Bank) said that the right to development presented major challenges with political, economic and social connotations. It was difficult to explain to policy makers what was the value added that went with that right; it would be essential to demonstrate, for example, that progress on the right to education, health and adequate food as a whole represented a benefit greater than the sum of its parts. It should also be emphasized that absolute poverty was the main obstacle to the exercise of human rights and the right to development.

31. Some of the problems involved in moving from the conceptual level to the effective realization of rights could be addressed by identifying the most critical strategic policy issues. Those would be in the realm of politics, although economics and finance could be very important in some countries. The right to development would be more than the sum of its parts when it was looked at from the viewpoint of a new set of values and as the sole organizing principle in the design and implementation of economic and social policies. From that viewpoint, the right to development moved the emphasis from the object to the subject and from needs to obligations and responsibilities. It dealt not with the morals or ethics of the outcome but with those of the principles; not with what the world owed to the individual but what the individual owed to the world; and not with the satisfaction of needs but with right of every person to full self-realization.

32. The report of the independent expert on the right to development (A/55/306) focused especially on the process of realization and the right to that process, and opened an avenue for discussion of issues such as transparency, participation, justice and other elements of the process. Second, although it was desirable to shift from conceptualization to the materialization of rights, it was essential to do so with rigour and on the

basis of common ground in order to avoid discovering at a later stage that progress had been made in the wrong direction.

33. Third, although having a right meant having a claim to something of value from other people, institutions, the State, or the international community, and they in turn had the obligation of providing or helping to provide that thing of value, that concept must be expanded to define the acquisition of rights and responsibilities within a dual and distinguishable framework linked to both private and public goods. Establishing the nature of many of those rights as public goods would give a new meaning to the right to development. Fourth, it should be emphasized more explicitly that economics and finance did matter in the realization of rights. The desirable must be distinguished from the feasible. The desirable included such principles as universality and indivisibility, whereas the feasible referred to the results of development.

34. Fifth, on the issue of norms and behaviour, it was necessary to take into account the role of value systems in societies, and their direct impact on the attainment of equity, transparency, accountability and social justice. Sixth, there should be more focus on issues of collective rights and collective action at all levels of decision-making. Instead of placing too much emphasis on individual rights or State obligations, it should be borne in mind that justice, participation and transparency were linked to collective behaviour at all levels.

35. Seventh, the conditions for the realization of rights must be expanded to include, for example, the fragmentation of institutions and functions and the empowerment of people in the process. The realization of rights must be anchored in institutions that were symmetrical and congruent with the holistic approach of the principles outlined in the report. Eighth, in addressing poverty, it should be emphasized that it was also an inability to accumulate capital in its various forms, physical, financial, human, natural and institutional. To that end, the realization of rights should be linked to the process of wealth creation, essential to the elaboration of economic and social policies.

36. The promotion and protection of the human rights and fundamental freedoms of indigenous peoples involved issues related to land, education, health, natural resources and racial discrimination. In order to benefit the indigenous peoples, the concept of national and world heritage should be applied to many aspects and dimensions of their lives. Cultural sustainability was a precondition to long-term economic, financial and environmental sustainability. In order to achieve it, greater recognition was needed of the close link between ethnicity and poverty, particularly among indigenous peoples in regions such as Latin America. More attention should also be given to access to justice for indigenous peoples as part of judicial reform programmes. The establishment of the Permanent Forum on Indigenous Issues had been a very important step towards enabling the indigenous peoples to make substantive contributions to the dialogue and to decisions taken by the Economic and Social Council on matters of economic and social policy.

37. It was clear that, if the debate lacked conceptual rigour, many countries would see a risk that new preconditions and sanctions would be imposed in the name of the right to development. Not to recognize that it was a difficult concept would be counter-productive. However, what was difficult was not to broaden the right to development, but to make it universal. Development specialists had been taking care of many of the less complex issues; currently, they were facing the most difficult ones, involving not only economic and financial considerations but also ethical and moral ones.

38. **Ms. Ibraimova** (Kyrgyzstan), speaking in exercise of the right of reply, said that the presidential elections held on 29 October 2000, to which the representative of the United States of America had referred, had shown a high level of participation, which testified to their validity, that of the democratization process and the strengthening of the role of civil society in political life. The elections had been held in an atmosphere of openness and transparency and on a fair basis without any limitation to the rights of the six candidates. The elections had been supervised by 268 international observers, representatives of the countries of the Organization for Security and Cooperation in Europe (OSCE), international inter-parliamentarian associations and more than 2,000 independent national observers from non-governmental organizations, public associations and political parties as well as representatives of the candidates. Thanks to the new technology used by the Central Electoral Committee for counting votes which excluded any possibility of

fraud, it had been possible to monitor the election process on the Internet, the radio and television. There had been some mistakes which would be examined by the Central Electoral Committee, and efforts would be made to avoid such errors in future. The presidential elections had demonstrated that the country, during its relatively short period of independence had made considerable progress in building a democratic society.

39. **Mr. Perera** (Sri Lanka), speaking in exercise of the right of reply, said that, if the Government of Canada was aware of any violations of human rights and humanitarian law on the part of the Sri Lankan authorities which in its opinion were not being duly investigated, he hoped that it would bring them to the attention of his Government, which would take up the matter with the necessary seriousness. Unfortunately, in cases of armed conflict, violations of human rights and humanitarian law occurred and such incidents must be investigated. His Government, in very difficult circumstances, was making every effort to ensure respect for human rights and humanitarian law by government officials and non-governmental actors. The representative of Canada had failed to take into account the context. In that regard, he recalled the important statement made by the Minister for Foreign Affairs of Sri Lanka to the plenary General Assembly on 18 September 2000.

40. **Mr. Mun Jong Chol** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that if United Nations human rights bodies continued to be used as an arena for accusations against specific countries, the end result would be negative reactions and confrontations among States, leaving human rights issues unresolved. Canada and other countries which had made accusations should remain impartial rather than criticize others. It was to be hoped that they would join the international community in making a constructive and substantial contribution to a global solution of the human rights issue.

41. **Ms. Pajula** (Estonia), speaking in exercise of the right of reply, said that at a meeting between the Minister of Population Affairs of Estonia and the United Nations High Commissioner for Human Rights held in Strasbourg in October 2000, the High Commissioner had said that she had followed attentively efforts and progress made in Estonia in the area of integration of national minorities, and that the Estonian national programme for integration demonstrated a pragmatic approach and an effort to unify society. She had noted in particular the length of the Estonian national integration programme, which revealed a desire to look ahead rather than deal only with current problems, and had welcomed amendments made to the Estonian language law. Her words spoke for themselves and offered an objective picture of the situation in the country.

42. **Mr. Jansons** (Latvia), speaking in exercise of the right of reply, said that his Government had implemented the recommendations made by the Organization for Security and Cooperation in Europe (OSCE) and other international organizations, specifically with regard to national minorities, language and education. In August 2000, OSCE had welcomed the adoption of new legislation relating to the official language. In addition, his Government had recently approved a programme on the integration of society which would be presented at the World Conference against Racism.

43. **Mr. Sultan** (Israel), speaking in exercise of the right of reply with reference to the statement made by the Observer for Palestine, asked what had become of the human rights of the innocent Jewish civilians who had just been killed or maimed by a car bomb in a Jerusalem street near the market. The Palestinian Authority, which several weeks before had set free a number of convicted terrorists, should have known that such an irresponsible act would sooner or later end in a human tragedy. There were only two possible outcomes: either to plunge deeper into a cycle of violence, bringing more human suffering to the entire region, and to continue trading accusations in international forums, or to return to the negotiating table to conclude a peace agreement. It was to be hoped that the understanding reached the night before on the basis of Sharm el-Sheikh Memorandum would be not only accepted, but also implemented by the Palestinian Authority.

44. **Mr. Tekin** (Turkey), speaking in exercise of the right of reply, said it was disappointing that the representative of Greece had raised the issue of Cyprus at a time when the two parties were currently engaged in proximity talks in Geneva in order to prepare the ground for negotiations which would lead to a comprehensive settlement of the problem on the island. The Cyprus question and its consequences had not been created overnight in 1974, but were the result of a long history of events perpetrated by Greece and the Greek

Cypriot side in order to forcibly unite the island with Greece. In that context, Greece must assume its heavy responsibility for the current state of affairs. In 1964, Greece had clandestinely sent 20,000 fully equipped men to the island, thereby grossly violating the Cyprus treaties. Ten years later, in 1974, Greece had organized a coup d'état on the island, described by Archbishop Makarios to the Security Council on 19 July 1974 as an invasion by Greece. If the Cyprus problem had truly begun in 1974, he wondered why the United Nations Peacekeeping Force in Cyprus (UNFICYP) had been deployed there in 1964.

45. The Greek and Greek Cypriot sides not only had attempted to alter the demographic character of the island by introducing thousands of settlers from Greece, but also had tried to "cleanse" Cyprus of its Turkish population. Between 1964 and 1974, hundreds of Turkish Cypriots had been abducted or subjected to enforced disappearance. According to a Greek Cypriot news report taken from official Greek sources, 35,000 settlers from Greece were currently living on the Greek Cypriot side, yet he stressed that some 400,000 Turkish Cypriots were living outside Cyprus, having been forcibly expelled from their homes by Greek Cypriots. In addition, one fourth of the Turkish Cypriots had been evicted from their homes and villages between 1963 and 1974, becoming refugees in their own homeland.

46. With regard to the living conditions of Greek Cypriots and Maronites living in the northern part of the island, he stressed that they had the same rights as other residents and were not discriminated against. As for missing persons, he recalled that most of those killed during the Greek coup d'état in 1974 had been listed as Greek Cypriot missing persons. In fact, in 1999, when the body of a Greek Cypriot youth listed as missing since 1974 was discovered in an unmarked grave in the Greek Cypriot sector of Nicosia, the Greek Cypriot authorities had reluctantly admitted that his identity had been known since 1975. According to a story published in May 1998 by a Greek Cypriot weekly newspaper, the issue of missing persons had been used ruthlessly by the Greek Cypriot propaganda machine to impress on world opinion the situation of their relatives who, like many journalists and the general public, were being misled.

47. **Mr. Qazi** (Pakistan), speaking in exercise of the right of reply, said that some countries presumed to comment on the human rights situation in other countries while conveniently ignoring their own failings. They also conveniently ignored numerous situations involving gross and systematic human rights violations and distorted, magnified and sensationalized the shortcomings of other countries to suit their own purposes. As UNDP had reported in 1999, trafficking in women and girls for the purpose of sexual exploitation in Western Europe was a heinous violation of human rights, estimated to be a multi-billion dollar business. Women were displayed as objects of trade and exhibited to promote sexual tourism in windows in the cities of the greatest defenders of human rights and women's rights. With regard to alleged terrorist incursions into Indian-occupied Kashmir, he said the only terrorists in that territory were the 700,000 Indian soldiers, whose presence was one of the worst manifestations of State terrorism; they had committed some of the grossest and most brutal human rights violations against an occupied people, as had been reported by human rights organizations. Apparently those violations had escaped the attention of the European Union or perhaps the European Union had turned a blind eye to them because the country in question was powerful and too attractive to its economic interests.

48. **Mr. Karev** (Russian Federation), speaking in exercise of the right of reply and referring to the statements by the representatives of Latvia and Estonia, said it was difficult to speak of a satisfactory human rights situation in those countries when there had been a series of complaints to the various human rights bodies on behalf of the Russian population. The situation could not be deemed satisfactory when Russians could not speak to their children or educate them in their own language. It was difficult to understand how the need to protect minorities could be used to justify humanitarian intervention, yet nothing was said about the clear discrimination against the Russian minority in Latvia and Estonia. Far too many issues remained unresolved to say that there was no longer a problem with the Russian population in those countries.

49. **Ms. Barghouti** (Observer for Palestine), speaking in exercise of the right of reply and referring to the statement made by the representative of Israel, said that Palestine continued to be committed to the peace process in spite of the current difficult situation. That process was not being exploited for political purposes and must lead to a just peace based on international

legitimacy and implementation of United Nations resolutions, leading to independence and freedom for Palestinians. With regard to the issue of violence, efforts to equate the victim and the oppressor were a racist attempt to deceive and dehumanize an entire people. The representative of Israel was trying to equate the violence perpetrated by the Israeli occupying army, which used live ammunition, tanks and attack helicopters, with the violence of Palestinians who were demonstrating against the unjust and discriminatory treatment they faced and the continuing loss of their rights and land. Palestine had always condemned all killing and hoped that Israel, for once, would follow suit and recognize its responsibility for the suffering and death it had inflicted on the Palestinian people.

50. **Mr. Zackheos** (Cyprus), speaking in exercise of the right of reply and referring to the statement made by the representative of Turkey, said that, although proximity talks were currently under way in Geneva, Turkey remained intransigent. He hoped that it would abandon its illegal ambitions and accept a just solution based on Security Council resolutions and full respect for the human rights of all. Turkey would of course prefer that the Cypriot side remained silent, in the hope that the world would forget the crimes it had committed, but that was not possible because Cyprus had an obligation to the victims of Turkish aggression. With regard to the events which had occurred between 1963 and 1974 and any excesses committed by either community in a situation of armed conflict, he stressed that there had never been organized actions against the Turkish Cypriot community, while there had in fact been premeditated actions on the part of Turkish Cypriot activists aimed at proving that coexistence on the island was impossible. He cited the case of the seizure in 1962, one year before the armed insurrection against the Republic of Cyprus, of a Turkish ship transporting a large arms shipment destined for the Turkish extremist organization TMT. In 1965 the Secretary-General of the United Nations had stated that the objective of the Turkish Cypriot leaders, who did not appear ready to support efforts to the contrary, was the physical and geographical separation of the communities, resulting in a deliberate policy of self-segregation, and that the difficult situation of the Turkish Cypriot population was the direct consequence of the isolation imposed by their own leaders. With regard to the so-called realities in Cyprus, Turkey was deluding itself if it believed that the international community would accept a situation achieved through the use of force, just as the apartheid regime in South Africa had believed that it could perpetuate an illegitimate situation. With regard to the enclave in the north, he referred to the report of the Secretary-General to the Security Council (S/1996/411, para. 22), according to which the Greek Cypriots and Maronites living in the northern part of the island were subject to severe restrictions of many basic freedoms, which had the effect of ensuring that inexorably with the passage of time those communities would cease to exist. He noted that out of the original population of 20,000 only 429 remained. As for missing persons, he wondered whether Turkey was ready to implement the agreement on missing persons of 31 July 1997 signed by President Clerides and Mr. Denktash, the Turkish Cypriot leader, and whether that humanitarian issue could be resolved if the agreement was not implemented. Finally, rather than to continue to provide false information, he said it would be preferable for Turkey to acknowledge that it had occupied 37 per cent of the territory of the Republic of Cyprus, had expelled more than one third of its population, and supported the establishment of 98,000 Turkish settlers and still maintained 36,000 troops in northern Cyprus.

51. **Ms. Pajula** (Estonia) said that, after listening to the reply of the representative of the Russian Federation, she had the impression that he lacked the necessary facts. She would therefore be happy to provide him with any updated information on the human rights situation in Estonia which he might require and was certain that the delegation of Latvia would gladly do likewise.

The meeting rose at 5.30 p.m.